IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

WP(C).No. 32213 of 2006(I)

PETITIONER:

A.YOUNUS KUNJU,
PROPRIETOR, YOUNUS CASHEW INDUSTRIES,
PAZHAKUTTY, NEDUMANGADU.

BY ADV. SMT.V.P.SEEMANDINI (SR)
SMT.K.P.GEETHA MANI
SMT.T.B.REMANI
SRI.M.R.ANISON
SRI.T.R.RAJESH

RESPONDENTS:

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1. THE ASSISTANT EXECUTIVE ENGINEER,
OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER,
WATER SUPPLY SUB DIVISION, NEDUMANGADU,
TRIVANDRUM.

2. THE TAHSILDAR,
TALUK OFFICE, NEDUMANGADU.

R1 BY SC SRI. M. DINESH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO. 32213 OF 2006

Dated this the 7th day of December, 2006

JUDGMENT

Petitioner is challenging recovery proceedings for recovery of water charges payable to the Water authority. Standing counsel submitted that arrears is Rs. 80,813/- and the same pertains to a cashew factory owned and managed by the petitioner. Even though petitioner's case is that detailed bills were not issued, it is conceded that petitioner has not made any payment towards water charges. In any case, since statutory appeal is provided against the disputed bill, there will be direction to the first respondent to give a detailed statement of liability showing the period of demand, the basis of estimation of quantity, and the bill amount payable to the petitioner within a period of one week from the date of production of a copy of this judgment by the petitioner. If petitioner remits fifty per cent of the liability due under protest and files appeal within another week thereafter before the Executive Engineer, then first respondent will restore connection, subject to result of order in appeal issued by the Executive Engineer.

Recovery of balance 50% also will remain stayed till disposal of appeal. If appeal is not filed then recovery should be made based on the detailed bill issued by the first respondent as above.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge